

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
Grayling Davis)	Civil Action No. 1:04-CV-10386-MLW
)	
v.)	
)	<u>Motion for Extension of Time to Amend</u>
Superintendent,)	<u>(2254 Petition and Memorandum)</u>
Old Colony Correctional Center)	
_____)	

Grayling Davis, Petitioner, pursuant to Fed.R.Civ.P. 6(b), moves to extend the time for filing an amended 2254 petition or any supporting memorandum by sixty (60) days. The undersigned submits that this additional requested time is necessary to render effective assistance of counsel to Mr. Davis, as mandated by the Sixth Amendment. In further support of this motion, the undersigned states as follows:

1. On February 26, 2004, Mr. Davis' prior counsel filed a 2254 petition on his behalf. On May 3, following appointment by the Massachusetts Committee for Public Counsel Services and prior counsel's withdrawal, I filed an appearance on behalf of Mr. Davis .
2. On or about June 14, 2004, I submitted a scheduling request by letter, for the filing of a memorandum and amended habeas petition. The court allowed the request and ordered any amendment motion and supporting memorandum to be filed by August 6. On August 5, I moved to extend the filing deadline by sixty days. The court granted the motion. The current deadline is October 5.
3. Since the submission of my last extension motion, I further reviewed Mr. Davis' extensive state court trial transcript and met with Mr. Davis to discuss his case.

Prior counsel raised twelve grounds for habeas corpus relief in the petition's paragraph 12. I am without authority to amend or file supporting memoranda without Mr. Davis' prior approval. This may require further client meetings or extensive client correspondence. I have not yet forwarded a draft to him.

5. I am in need of additional time to (1) draft and edit a memorandum in support of Mr. Davis' habeas petition; (2) research authority in support of his arguments; and (3) conduct further review of the state court transcript.
6. Per Local Rule 7.1, I certify that I conferred with counsel for the Commonwealth, AAG Natalie Monroe, to attempt in good faith to resolve or narrow the issue. The Commonwealth assents to this motion.

Wherefore, Mr. Davis respectfully moves to extend the time for filing an amended 2254 petition or any supporting memorandum by sixty (60) days.

Respectfully submitted,
GRAYLING DAVIS
By his attorney,

/s/ James M. Fox
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